IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARK ANTHONY WILLIAMS,	:	
	:	
Plaintiff,	:	PRISONER HABEAS CORPUS
	:	28 U.S.C. § 2241
	:	
v.	:	
	:	
KEITH MCBRAYER, SHERIFF	:	CIVIL ACTION NO.
	:	1:18-CV-370-AT-WEJ
	:	
Defendant.	:	

ORDER

This matter is before the Court on the Magistrate Judge's Report and
Recommendation [Doc. 3] that this Petition for Writ of Habeas Corpus Under 28
U.S.C. § 2241 be dismissed without prejudice and that Petitioner be denied a
certificate of appealability. The Magistrate Judge concluded that Petitioner had
failed to exhaust available state remedies prior to bringing his claims in this
Court for injunctive relief related to his state criminal proceedings. Therefore,
while Petitioner cannot obtain relief in federal court, he may file a petition for a
writ of habeas corpus in the proper state court pursuant to O.C.G.A. § 9-14-1(a).
The Magistrate Judge further concluded that Petitioner's claims related to the
conditions of his confinement (library access and other grievances) may only be
raised in a civil rights action and cannot be raised in a habeas petition.
Therefore, if Petitioner wishes to file an action pursuant to 42 U.S.C. § 1983, he

must submit a proper complaint as a new case under a new docket number, and must pay the required $350.00 filing fee.

No objections have been filed in response to the Magistrate Judge's Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. For the reasons stated in Magistrate Judge's Report and Recommendation, the Petition for Writ of Habeas Corpus Relief is **DISMISSED WITHOUT PREJUDICE** and Petitioner is **DENIED** a certificate of appealability.

IT IS SO ORDERED this 8th day of March, 2018.

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Amy Totenberg
United States District Judge